

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARK H. MURDOCH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-24-00509-JD
	)	
MARTIN O'MALLEY,	)	
Commissioner of the	)	
Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is United States Magistrate Judge Suzanne Mitchell's Report and Recommendation [Doc. No. 14] issued on September 16, 2024.

Judge Mitchell recommends that the Court grant the Commissioner's Unopposed Motion for Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g). [Doc. No. 13].

Judge Mitchell advised Plaintiff of his right to file an objection to the Report and Recommendation with the Clerk of Court by September 30, 2024, and explained that failure to timely object waives the right to appellate review of both factual and legal issues contained in the Report and Recommendation. *See id.* at 2–3.

“[A] party's objections to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). By not objecting to a magistrate judge's report and recommendation, the parties waive their rights to challenge the legal and factual basis for the magistrate judge's

decision. *See Ayala v. United States*, 980 F.2d 1342, 1352 (10th Cir. 1992) (holding that the plaintiffs “waived their right to appeal the magistrate’s ruling” because they did not file any objections); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991) (“Our waiver rule provides that the failure to make timely objection to the magistrate’s findings or recommendations waives appellate review of both factual and legal questions.”).

The record reflects that Plaintiff did not file an objection to the Report and Recommendation by the deadline or request an extension of time to do so. Accordingly, and upon its review, the Court **ACCEPTS** the Report and Recommendation [Doc. No. 14], **GRANTS** the Commissioner’s Unopposed Motion for Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) [Doc. No. 13], **REVERSES** the decision of the Commissioner, and **REMANDS** the case for further administrative proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g). The Court will enter a separate judgment under Federal Rule of Civil Procedure 58 and consistent with the decision in *Shalala v. Schaefer*, 509 U.S. 292, 302–03 (1993).

IT IS SO ORDERED this 8th day of October 2024.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE